

## REMARKS

None of the amendments above add new matter to the specification. Modifications to the claims have been made in response to the Examiners rejections and in an effort to move this application forward in prosecution.

### A. The 35 U.S.C §103(a) Rejection Should Be Withdrawn Because The Claimed Invention Conceived by Applicant Prior to May 2001.

The Examiner has rejected claims 1-10, 12 and 13 under 35 U.S.C. §103(a) as being obvious over Lorens *et al.* in view of Case *et al.* and further in view of Grissmer *et al.* The Examiner also states that the effective date of Lorens *et al.* is May 10, 2001. Applicant submits herewith a 37 CFR §1.131 declaration demonstrating conception of their invention prior to May 10, 2001. Consequently, Lorens *et al.* cannot be utilized to support a 35 USC §103(a) rejection. In order for the Examiner to maintain a rejection under 35 U.S.C. §103(a) there must be some motivation to combine the teachings of the cited references, there must be a reasonable expectation of success when combining the teachings of the references and the references must teach or suggest all of the claim limitations. When Lorens *et al.* is removed as a viable reference, the remaining cited references do not teach all of Applicant's claim limitations and without that teaching there can be no reasonable expectation of success when combining those teachings and therefore no motivation to combine the remaining references cited. Consequently, Applicant respectfully requests that the Examiner withdraw this rejection.

The Examiner also rejects claims 14-25 under 35 USC §103(a) as being unpatentable over Uchino *et al.* in view of Renard *et al.* and further in view of Grissmer *et al.* Applicant has cancelled claims 14-25, consequently this rejection is moot and Applicant respectfully requests that the Examiner remove this rejection.

Finally the Examiner rejects claims 41 and 42 under 35 USC §103(a) as being unpatentable over Uchino *et al.* and in view of Choi *et al.* Applicant has cancelled claims 41 and 42, consequently this rejection is moot and Applicant respectfully requests that the Examiner remove this rejection.

### B. Objections To The Claims Should Be Withdrawn Because The Independent Claims From Which They Depend Are Allowable.

The Examiner states that claims 11 and 26-40 would be allowable if rewritten in independent form because the independent claims from which they depend are rejected. Applicant submits a 37 CFR §1.131 declaration demonstrating conception prior to the effective date of the Lorens *et al.* reference. Absent this

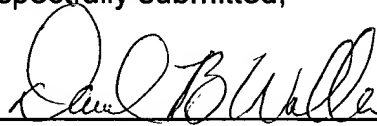
reference, claims 1-10, 12 and 13 are allowable and the concern over their dependency becomes moot. Consequently, Applicant respectfully requests that the Examiner remove these objections.

### CONCLUSION

In view of the above arguments Applicants have amended their claims and demonstrated that the invention as claimed satisfies the statutory requirements for patentability. Applicant respectfully requests that the Examiner issue an allowance of the claims.

Respectfully submitted,

Date: 4 March 2005



David B. Waller  
Registration No. 43,978

David B. Waller  
David B. Waller & Associates  
5677 Oberlin Drive, Suite 214  
San Diego, CA 92121

Telephone: (858) 457-2014  
Facsimile: (858) 457-2308  
E-Mail: [dwaller@starnetdial.net](mailto:dwaller@starnetdial.net)